

Remarks:

Applicants reply to the Office Action dated July 8, 2010 within three months. Claims 1, 3-5, and 16-31 were pending, and the Examiner rejects claims 1, 3-5, and 16-31. Reconsideration of this application is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1, 3-5, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Remillard, U.S. Patent No. 5,404,393, (“Remillard”) in view of Von Kohorn, U.S. Patent No. 5,034,807, (“Von Kohorn”). Applicants respectfully traverse this rejection.

Remillard generally discloses “An electronic device and method for accessing remote electronic facilities and displaying associated information on a conventional television set,” (abstract). The Examiner, on page 3 of the Office action, states “a distinct second media source configured to present additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient (col. 5 Line 62-Col. 6, Line 21, discloses a user requesting additional information regarding an advertised product via an electronic device, where the host compute[r] provides the information).” However, requesting information is not analogous to nor does it disclose or contemplate “presenting additional marketing information,” as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31.

Moreover, assuming arguendo that the host computer provides the information, Remillard is silent to “presenting additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient,” as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31. In fact, the Figures, particularly Figure 1, of Remillard do not disclose more than one interface (television) for presenting data. Remillard discloses “Similarly, for other programming, such as advertisements, the user can request information regarding a product. For advertisements which are not specially designed, or which are not prearranged with the host computer, the request can be logged by station and time. Knowing the electronic device's ID, and other user information, the system 10 can record the request and still initiate a request for the specific information by accessing a history of the programming for the logged station, at the particular date and time,” (col. 6, lines 9-18). Remillard does not disclose a host computer providing the information.

Von Kohorn generally teaches a system and method for evaluating responses to broadcast programs, such as television programs, (abstract). Specifically, using the system of Von Kohorn,

“included at the site of each viewer is the external or remote audience is a television set, plus electronic response equipment having circuitry for reception of the instructional signal group transmitted from a central station, the response equipment also including a keyboard for designating answers or responses to the questions, timing circuitry, circuitry for comparing a response to one or more designated answers to determine acceptability of a response, scoring circuitry, and a recording device for recording answers to the question.” (col. 3, lines 5-14). Also, “in the event that a two-way cable system is available, such system may be used to advantage in the practice of the invention by providing for transmission of the television program to a remote audience while also enabling members of the remote audience to communicate responses or other commentary back to the broadcasting station,” (col. 2, lines 56-62). Von Kohorn is silent to and thus does not disclose or contemplate a “presenting additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31. The devices of Von Kohorn capable of entering information are not described as being capable of presenting additional information, let alone being capable of presenting additional marketing information.

Also, the system of Von Kohorn does not disclose or contemplate “a database configured to store a plurality of proposed strategies” or “a processor configured to select at least one proposed strategy stored on the database,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31. The “recording device for recording answers to the question” as taught by Von Kohorn is a local recording device such as “a card of plastic, or similar material, and including a well-known strip of magnetizable material (not shown) upon which the score and or responses have been recorded” (col. 9, lines 7-11) not a searchable database containing a plurality of proposed strategies.

Thus, the cited references alone or in combination do not disclose or contemplate at least “present additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient,” as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31. Also, the cited references alone or in combination do not disclose or contemplate at least “a processor configured to select at least one proposed strategy stored on the database,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 1, 30 and 31.

Dependent claims 3-5, and 16-29 depend from independent claim 1. Therefore, Applicants assert that dependent claims 3-5, and 16-29 are patentable for at least the same reasons stated above for differentiating independent claims 1, 30 and 31 as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 3-5, and 16-29.

Applicants traverse the official notice taken by the Examiner on page 8 of the Office action because "the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." MPEP 2144.03. Applicants therefore respectfully request that "the examiner provide documentary evidence in the next Office action if the rejection is to be maintained." Id.

When a phrase similar to "at least one of A, B, or C" or "at least one of A, B, and C" is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

#39038

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By: 

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